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FILED
NOV 10 2009
DEPARTMENT OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) NO. H-35727 LA
) L-2009040307
SHERRY G. GRANVILLE-JOSEPH,)
)
Respondent.)

STIPULATION AND WAIVER

AND

DECISION AFTER REJECTION

I, SHERRY G. GRANVILLE-JOSEPH, Respondent herein,
acknowledge that I have received and read the Statement of
Issues filed by the Department of Real Estate on February 25,
2009, and the Statement to Respondent sent to me in connection
with the Statement of Issues.

I hereby admit that the allegations contained in
Paragraphs 1 through 7 of the Statement of Issues filed against
me are true and correct and constitute a basis for the denial
of my real estate salesperson license application.

1 I further acknowledge that the Real Estate
2 Commissioner held a hearing on this Statement of Issues on
3 June 17, 2009, before the Office of Administrative Hearings for
4 the purpose of proving the allegations therein. I was present
5 and represented myself. Further, I have had an opportunity to
6 read and review the Proposed Decision of the Administrative Law
7 Judge.

8 I understand that pursuant to Government Code Section
9 11517(c), the Real Estate Commissioner has rejected the
10 Proposed Decision of the Administrative Law Judge. I further
11 understand that pursuant to the same Section 11517(c), the Real
12 Estate Commissioner may decide this case upon the record,
13 including the transcript, without taking any additional
14 evidence, after affording me the opportunity to present written
15 argument to the Real Estate Commissioner.

16 I further understand that by signing this Stipulation
17 and Waiver and Decision After Rejection, I am waiving my right
18 to obtain a dismissal of the Statement of Issues through
19 proceedings under Government Code Section 11517(c) if this
20 Stipulation and Waiver and Decision After Rejection is accepted
21 by the Real Estate Commissioner. However, I also understand
22 that I am not waiving my rights to further proceedings to
23 obtain a dismissal of the Statement of Issues if this
24 Stipulation and Waiver and Decision After Rejection is not
25 accepted by the Real Estate Commissioner.

26 I hereby request that the Real Estate Commissioner in
27 his discretion deny my real estate salesperson license

1 application and issue to me a restricted real estate
2 salesperson license under the authority of Section 10156.5 of
3 the Business and Professions Code.

4 I further understand that the restricted license
5 shall be subject to the provisions of Section 10156.7 of the
6 Business and Professions Code and the following conditions,
7 limitations and restrictions will attach to the restricted
8 license issued by the Department of Real Estate pursuant
9 hereto:

10 1. The restricted license issued to Respondent,
11 (a) may be suspended prior to hearing by Order of
12 the Real Estate Commissioner in the event of Respondent's
13 conviction (including a plea of nolo contendere) to a crime
14 which is substantially related to Respondent's qualifications,
15 fitness or capacity as a real estate licensee.

16 (b) may be suspended prior to hearing by Order of
17 the Real Estate Commissioner on evidence satisfactory to the
18 Commissioner that Respondent has violated provisions of the
19 California Real Estate Law, the Subdivided Lands Law,
20 Regulations of the Real Estate Commissioner, or the conditions
21 attaching to this restricted license.

22 2. Respondent shall not be eligible to apply for the
23 issuance of an unrestricted real estate license nor for the
24 removal of any of the conditions, limitations or restrictions
25 of a restricted license until two (2) years have elapsed from
26 the effective date of this Decision.

27

1 3. With the application for license, or with the
2 application for transfer to a new employing broker, Respondent
3 shall submit a statement signed by the prospective employing
4 real estate broker on a form RE 552 approved by the Department
5 of Real Estate which shall certify as follows:

6 (a) That the employing broker has read the Decision
7 which is the basis for the issuance of the restricted license;
8 and


9 (b) That the employing broker will carefully review
10 all transaction documents prepared by the restricted licensee
11 and otherwise exercise close supervision over the licensee's
12 performance of acts for which a license is required.

13 4. Respondent's restricted real estate salesperson
14 license is issued subject to the requirements of Section
15 10153.4 of the Business and Professions Code, to wit:
16 Respondent shall, within eighteen (18) months of the issuance
17 of the restricted license, submit evidence satisfactory to the
18 Commissioner of successful completion, at an accredited
19 institution, of a course in real estate practices and one of
20 the courses listed in Section 10153.2, other than real estate
21 principles, advanced legal aspects of real estate, advanced
22 real estate finance or advanced real estate appraisal. If
23 Respondent fails to timely present to the Department
24 satisfactory evidence of successful completion of the two
25 required courses, the restricted license shall be automatically
26 suspended effective eighteen (18) months after the date of its
27 issuance. Said suspension shall not be lifted unless, prior to

1 the expiration of the restricted license, Respondent has
2 submitted the required evidence of course completion and the
3 Commissioner has given written notice to Respondent of lifting
4 of the suspension.

5 5. Pursuant to Section 10154, if Respondent has not
6 satisfied the requirements for an unqualified license under
7 Section 10153.4, Respondent shall not be entitled to renew the
8 restricted license, and shall not be entitled to the issuance
9 of another license which is subject to Section 10153.4 until
10 four (4) years after the date of the issuance of the preceding
11 restricted license.

12
13 10/21/09
14 DATED


15
16 LISSETE GARCIA, Counsel
17 Department of Real Estate
18
19

20 I have read the Stipulation and Waiver and Decision
21 After Rejection. Its terms are understood by me and are
22 agreeable and acceptable to me. I willingly and voluntarily
23 agree to enter into this Stipulation.

24 Respondent can signify acceptance and approval of the
25 terms and conditions of this Stipulation by faxing a copy of
26 the signature page, as actually signed by Respondent, to the
27 Department at the following fax number: (213) 576-6917.
Respondent agrees, acknowledges and understands that by
electronically sending to the Department a fax copy of her
actual signature as it appears on the Stipulation, that
receipt of the fax copy by the Department shall be as binding

1 on her as if the Department had received the original signed
2 Stipulation and Waiver and Decision After Rejection.

3 9/24/09
4 DATED


SHERRY G. GRANVILLE-JOSEPH
Respondent

6 * * *

7 I have read the Statement of Issues filed herein,
8 the Proposed Decision of the Administrative Law Judge dated
9 July 13, 2009, and the foregoing Stipulation and Waiver and
10 Decision After Rejection signed by Respondent. I am satisfied
11 that it will not be inimical to the public interest to issue a
12 restricted salesperson license to Respondent.

13 Therefore, IT IS HEREBY ORDERED that the real estate
14 salesperson license application of Respondent is denied and a
15 restricted real estate salesperson license is issued to
16 Respondent if Respondent has otherwise fulfilled all of the
17 statutory requirements for licensure. The restricted license
18 shall be limited, conditioned and restricted as specified in
19 the foregoing Stipulation and Waiver.

20 This Order shall become effective at 12 o'clock noon
21 on November 30, 2009.

22 IT IS SO ORDERED 11-4-09

23 JEFF DAVI
24 Real Estate Commissioner

25 
26 BY: Barbara J. Bigby
27 Chief Deputy Commissioner

SAC

FILED
AUG 20 2009
DEPARTMENT OF REAL ESTATE

By C. J.

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

SHERRY G. GRANVILLE-JOSEPH,

Respondent.

No. H-35727 LA

L-2009040307

NOTICE

TO: SHERRY G. GRANVILLE-JOSEPH, Respondent.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated July 13, 2009, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated July 13, 2009, is attached for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on June 17, 2009, any written argument hereafter submitted on behalf of Respondent and Complainant.

Written argument of Respondent to be considered by me must be submitted within 15 days after receipt of the transcript of the proceedings of June 17, 2009, at the Los Angeles

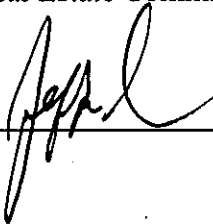
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1 office of the Department of Real Estate unless an extension of the time is granted for good cause
2 shown.

3 Written argument of Complainant to be considered by me must be submitted
4 within 15 days after receipt of the argument of Respondent at the Los Angeles office of the
5 Department of Real Estate unless an extension of the time is granted for good cause shown.

6 DATED: 8-6-09

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8 JEFF DAVI
Real Estate Commissioner

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

SHERRY G. GRANVILLE-JOSEPH,

Respondent.

Case No. H-35727 LA

OAH No. L2009040307

PROPOSED DECISION

Ralph B. Dash, Administrative Law Judge, Office of Administrative Hearings, heard this matter on June 17, 2009, at Los Angeles, California.

Lisette Garcia, Real Estate Counsel, represented Complainant.

Sherry Gail Granville-Joseph (Respondent) represented herself.

Oral and documentary evidence having been received and the matter having been submitted, the Administrative Law Judge makes the following Proposed Decision.

FINDINGS OF FACT

1. Robin Trujillo made the Statement of Issues in her official capacity as a Deputy Real Estate Commissioner of the State of California.

2. Respondent filed her application, dated June 14, 2007, with the Department of Real Estate (Department) for licensure as a real estate salesperson. The application was denied and this hearing ensued.

3. At the hearing of this matter, Respondent stipulated that all of the factual allegations contained in the Statement of Issues were true and that the documentary evidence offered in support thereof were correct. Accordingly, the following facts have been established by stipulation:

a. On or about June 13, 1973, in the Magistrate Court of Lea District, State of New Mexico, Case No. A208099, Respondent was convicted of violating New Mexico Statutes Annotated Section 40-A (shoplifting).

b. On or about December 13, 1973, in the Fulton State Court, State of Georgia, Case No. 132763, Respondent was convicted of misdemeanor prostitution.

c. On or about May 20, 1976, in the Municipal Court of California, Los Angeles County, Case No. 31545242, Respondent was convicted of violating Penal Code section 647, subdivision (b) (disorderly conduct; prostitution), a misdemeanor.

d. On or about April 8, 1977, in the Municipal Court of California, Los Angeles County, Case No. M135771, Respondent was convicted of violating Penal Code section 647, subdivision (b) (disorderly conduct; prostitution), a misdemeanor.

e. On or about April 15, 1977, in the Municipal Court of California, Los Angeles County, Case No. M135174, Respondent was convicted of violating Penal Code section 647, subdivision (b) (disorderly conduct; prostitution), a misdemeanor.

f. On or about April 27, 1993, in the Municipal Court of the California, Los Angeles County, Case No. 03MN02235, Respondent was convicted of violating Penal Code section 485 (appropriation of lost property: theft), a misdemeanor.

g. In aggravation, on or about June 13, 1973, in the Magistrate Court of Lea District, State of New Mexico, Case No. A208097, Respondent was convicted of possession of a controlled substance: less than one ounce.

h. In aggravation, on or about March 18, 1986, in the Superior Court of California, County of Los Angeles, Case No. A031899, Respondent was convicted of violating Health and Safety Code section 11350, subdivision (a) (possession of a controlled substance: cocaine), a felony. On April 14, 2006, said conviction was expunged pursuant to Penal Code section 1203.4.

i. In aggravation, on or about December 19, 1992, in the Municipal Court of Bellflower Courthouse Judicial District, Los Angeles County, State of California, Case No. 3M00328, Respondent was convicted of violating Vehicle Code section 14601.1 (A) (driving with a suspended license), a misdemeanor.

j. In aggravation, on or about April 19, 1994, in the Municipal Court of Long Beach Courthouse Judicial District, Los Angeles County, State of California, Case No. 94M00253, Respondent was convicted of violating Vehicle Code section 14601.1 (A) (driving with a suspended license), a misdemeanor.

k. In response to Question 25 of the license application, to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW? CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC CITATIONS WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE," Respondent marked the box denoted "Yes," however, she failed to reveal the convictions described in Findings 3b, 3d, 3e, 3f, 3g, 3i and 3j.

4. Although Respondent failed to disclose on her application a number of her convictions, she did not attempt to procure a real estate salesperson's license by fraud or deceit. On the application, in the space provided for "ADDITIONAL INFORMATION" regarding convictions, Respondent wrote, "Please see attached" and added the following statement:

"I lived a much different life prior to 1996. Regretfully, I have many Misdemeanor charges dating back to the 1970's of which I do not have dates or times for. I have been clean and sober for 11 years and have paid for my mistakes. I am a new person now and I request that the Department of Real Estate over look (sic) my past transgressions and take into account my actions in the last 11 years. I have been employed as a Sales Representative for the Los Angeles Times for 7 years and was previously employed by the Washington Post for 4 years. I attribute my transformation to my belief in, and the workings of the Lord Jesus Christ. I have been a member in good standing of Gilroy Christian Fellowship International Church of Carson, Ca (sic) for 7 years. I work in the Ministry helping and encouraging young children in impoverished circumstances. I am an asset to society and no longer a deficit."

5. Respondent provided evidence and testimony to support the forgoing statement. Her testimony was compelling. In part, it consisted of her reading a letter dated June 17, 2009, to the Department, in which she took an unflinching look at her past conduct. It reads, in part:

"[T]he turmoil of my past decisions that were made in my young adult life were foolish and misguided of which the temerity of those actions have cost me a great deal. The Shoplifting incident in 1973 was the beginning of a life set on a wrong course that spiraled out of control. There were circumstances that led up to that crucial turning point at the start of what could have been a very productive citizenship. I can not blame anyone other than myself for the poor choices that I made early on. I was under the influence of marijuana and I took a dare that day in 1973, shortly after my 18th birthday that set the pace for years of moral decline. My life was void of structure and grossly misdirected. My actions were stupid and unscrupulous . . . They were all a result of a life of drug abuse and self destruction.

"If I had it to do all over again, with the exception of my redemption I would jump at the opportunity that was set before me to live a productive life as a citizen of this great country. To say that I am remorseful is an understatement. I am repentant of my actions and with great compunction I regret what I did 36 years ago and my actions that followed. Not solely because I was convicted but because it caused me and my family great pain and almost a lifetime to turn around

"It is as if I have lived two totally separate lives. I stand before you as a new creature today. I sought treatment several times beginning in 1984 and followed the program of Alcoholics Anonymous to the best of my ability and worked on issues surrounding my Father at the Claudia Black Institute in Cerritos, Ca (sic); however, I continued to relapse. My transformation began to take shape in 1994 at Redgate Treatment Center . . . when I was able

to submit my will and seek direction. I completed the program at Redgate. . . . The dates of my treatment were from November 1994 to January 1995. Upon completion I entered Pattern's Treatment Center under Behavioral Health Services, Inc. . . . I completed the program at Patterns in 1995. I rededicated my life to Christ, who is the propitiation for my sins, and He transformed me; and though He is not done with me, my life has made a 180 degree turn around. I give God the glory for my rebirth.

"Today, I seek to take the lessons from my own life and direct my energy into building something positive. I have been a member of the Glory Christian Fellowship, Int'l in Carson, CA for 9 years under the direction of Pastor Alton Trimble. I began my ministry working with the Glory Kids bus ministry under the direction of the late SWAT officer Ronald Simmons. I am currently assistant to the Director Shanulah Cleveland of the SOULdiers ministry; which ministers to at-risk, troubled youth in facilities such as Los Padrinos Juvenile Facility and Group Homes in the Los Angeles area. I personally minister the word of God in Boys Town group home located in Compton, Ca (sic). I have a commitment today to reach troubled youth by ministering the gospel of Christ and offering hope where there is no hope. I share my story whenever possible. I am a Mother in good standing today, I have a 14 year old daughter that has not known the havoc life style I once lived. Though difficult I have been able to tell her to some degree the bad choices I made in hopes of her not making the same mistakes.

"In my response to Question 25 of the license application, I answered to the best of my recollection. What was prevalent in my mind was the felony charge since it's (sic) consequences are much more severe and I was able to have it reduced to a misdemeanor. . . . It was only after the Department of Social Services requested in September, 2007 that I submit further information on my background,^[1] and I began to pull the records, did I realize the number of convictions, their dates and the details. I swear today on the word of God that I never intended to defraud, deceive or misrepresent the Department of Real Estate in any way form or fashion. I plead for forgiveness and mercy of the Commissioner and OOA (sic) as a whole. I request a pardon and the issuance of a DRE Salespersons License."

6. Respondent has been clean and sober since 1994. She no longer associates with anyone from her criminal past. She is a stable member of the community, having lived at her current address, a house she owns, for the past nine years, and having worked, and still

¹ This is a reference to a demand by the Department of Social Services that Respondent obtain a criminal records exemption from it before she would be permitted to enter any licensed facility, such as a group home, to which reference is made in this letter. The Department of Social Services reviewed the entirety of Respondent's criminal background and, after considering Respondent's rehabilitation, granted the exemption. In making this Proposed Decision, the Administrative Law Judge may use his experience and specialized knowledge in evaluating the evidence. This Administrative Law Judge has been with the Office of Administrative Hearings for more than 21 years and has heard hundreds of matters on behalf of numerous state agencies. He is very familiar with the standards the Department of Social Services uses in making its determination regarding the grant of a criminal records exemption. It does not do so lightly and, with a criminal record as lengthy as that of Respondent, does so only after careful consideration of the extent of the applicant's rehabilitation. On September 27, 2007, the Department of Social Services granted Respondent a criminal record exemption (Exhibit B). The Administrative Law Judge considers this as persuasive evidence that Respondent has been rehabilitated from her criminal conduct.

works, at the Los Angeles Times since 2001. She has raised her daughter, now 14, for the most part as a single mother, her husband having passed away in 1998. Respondent presented impressive character reference letters, and also offered the testimony of her supervisor at SOULdiers, who praised Respondent's work ethic and the excellent results she achieves as a community advocate for youth. Respondent has taken advanced education courses in COBOL programming and Business Administration, as well as "industry courses" in such areas as Time Management and Conflict Management.

* * * * *

CONCLUSIONS OF LAW

1. Business and Professions Code section 480 provides:

a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

[¶] . . . [¶]

(c) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for the license.

2. Business and Professions Code section 482 provides:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

- (a) Considering the denial of a license by the board under Section 480; or
- (b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

3. Business and Professions Code section 10177, subdivision (a), provides that an application for licensure may be denied if the applicant:

- (a) Procured, or attempted to procure, a real estate license or license renewal, for himself or herself or any salesperson, by fraud, misrepresentation, or deceit, or by making any material misstatement of fact in an application for a real estate license, license renewal, or reinstatement.

4. Business and Professions Code section 10177, subdivision (b), provides that an application for licensure may be denied if the applicant:

- (b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony, or a crime substantially related to the qualifications, functions, or duties of a real estate licensee, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following that conviction, suspending the imposition of sentence, or of a subsequent order under Section 1203.4 of the Penal Code allowing that licensee to withdraw his or her plea of guilty and to enter a plea of not guilty, or dismissing the accusation or information.

5. California Code of Regulations, title 10, section 2910, provides as follows:

- (a) When considering whether a license should be denied, suspended or revoked on the basis of the conviction of a crime, or on the basis of an act described in Section 480(a)(2) or 480(a)(3) of the Business and Professions Code, the crime or act shall be deemed to be substantially related to the qualifications, functions or duties of a licensee of the Department within the meaning of Sections 480 and 490 of the Business and Professions Code if it involves:

- (1) The fraudulent taking, obtaining, appropriating or retaining of funds or property belonging to another person.

- (2) Counterfeiting, forging or altering of an instrument or the uttering of a false statement.

(3) Willfully attempting to derive a personal financial benefit through the nonpayment or underpayment of taxes, assessments or levies duly imposed upon the licensee or applicant by federal, state, or local government.

(4) The employment of bribery, fraud, deceit, falsehood or misrepresentation to achieve an end.

(5) Sexually related conduct affecting a person who is an observer or non-consenting participant in the conduct or convictions which require registration pursuant to the provisions of Section 290 of the Penal Code.

(6) Willfully violating or failing to comply with a provision of Division 4 of the Business and Professions Code of the State of California.

(7) Willfully violating or failing to comply with a statutory requirement that a license, permit or other entitlement be obtained from a duly constituted public authority before engaging in a business or course of conduct.

(8) Doing of any unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator or with the intent or threat of doing substantial injury to the person or property of another.

(9) Contempt of court or willful failure to comply with a court order.

(10) Conduct which demonstrates a pattern of repeated and willful disregard of law.

(11) Two or more convictions involving the consumption or use of alcohol or drugs when at least one of the convictions involve driving and the use or consumption of alcohol or drugs.

(b) The conviction of a crime constituting an attempt, solicitation or conspiracy to commit any of the above enumerated acts or omissions is also deemed to be substantially related to the qualifications, functions or duties of a licensee of the department.

(c) If the crime or act is substantially related to the qualifications, functions or duties of a licensee of the department, the context in which the crime or acts were committed shall go only to the question of the weight to be accorded to the crime or acts in considering the action to be taken with respect to the applicant or licensee.

6. Pursuant to its statutory mandate, the Department has established criteria for rehabilitation from conviction of a crime to be considered in a licensing proceeding. The applicable criteria, set forth in California Code of Regulations, title 10, section 2911, are summarized as follows:

- The passage of not less than two years from the most recent criminal conviction.
- Expungement of the conviction.
- Successful completion or early discharge from probation or parole.
- Payment of any fine imposed in connection with the criminal conviction.
- New and different social and business relationships.
- Stability of family life and fulfillment of parental and familial responsibilities.
- Completion of, or enrollment in, educational or vocational training courses.
- Significant involvement in community, church, or privately-sponsored programs.
- Change in attitude from that which existed at the time of the commission of the criminal acts.

7. Applying Findings 3a through 3j to Conclusions 1, 4 and 5 (denial based on criminal convictions), cause exists to deny Respondent's application. Collectively, the crimes show a pattern of willful disregard for the law (Regulation 2910, subdivision (a)(10)) and each of the theft convictions (Findings 3a and 3f) is a separate ground for license denial under Regulation 2910 subdivision (a)(8).

8. Respondent failed to disclose all of her convictions on her application for licensure (Finding 3k), but she did not attempt to procure a real estate license by fraud or deceit. She disclosed three of her convictions and represented to the Department that she had additional convictions. She did not attempt to hide or shield her criminal background, nor did she make any misrepresentations. Thus, cause does not exist to deny Respondent's application under the provisions of Business and Professions Code sections 480, subdivision (c) (Conclusion 1) and 10177, subdivision (a) (Conclusion 3).

9. As can be seen from Findings 4 through 6, Respondent has met virtually all of the criteria, applicable to her, that the Department considers relevant to the issue of rehabilitation (Conclusion 6). Of course, rehabilitation is a qualitative determination, not quantitative. One cannot just add up those criteria that have been met and those that have not in order to determine whether or not a person has been rehabilitated. These factors are just indicators that a person has changed his or her ways and is, therefore, unlikely to reoffend. No one of them alone – in fact not all of them together – can guarantee that an individual is truly rehabilitated. Therefore, merely meeting these criteria does not excuse a person from responsibility for his or her prior criminal conduct nor entitle him or her to a license.

10. Rehabilitation is evaluated on the basis of two different scales. One is an internal, attitudinal scale and the other is an external objective scale. In other words, Respondent must present evidence both of a state of mind and a state of facts showing she has been rehabilitated. The state of mind demonstrating rehabilitation is one that has a

mature, measured appreciation of the gravity of the misconduct and remorse for the harm caused. Acceptance of responsibility is a necessary prerequisite to establishing rehabilitation. Respondent has met his burden of providing evidence that she has the requisite state of mind to establish rehabilitation, by reason of Findings 4 and 5.

11. The rehabilitative state of facts is demonstrated by a track record of conduct that convinces and assures the Department that the public would be safe in granting Respondent the privileges of licensure. Respondent's last criminal conviction was in 1994 and she has been clean and sober ever since. There has been no evidence that Respondent has engaged in any criminal act since that time. Respondent is self-supporting and also supports her 14-year old daughter. She not only regularly attends church, she is very active in its ministry, particularly in helping disadvantaged youths. The Department of Social Services was so impressed with Respondent's rehabilitation, it issued her a criminal records exemption allowing her entrance into that Department's licensed facilities where she has access to a very vulnerable population. She has new business and social relationships and, in general, has shown marked improvement in her attitude towards life and his responsibilities to society. Respondent has thus provided evidence (Findings 5 and 6) of the requisite state of facts necessary to establish her rehabilitation. In fact, Respondent has established rehabilitation to the extent it would not be contrary to the public interest to issue her an unrestricted salesperson's license.

* * * * *

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The application of Respondent Sherry Granville-Joseph for a real estate salesperson's license is granted

Date:

July 13, 2009


RALPH B. DASH

Administrative Law Judge
Office of Administrative Hearings

5AC
1 LISSETE GARCIA, Counsel (SBN 211552)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6914

FILED
FEB. 25, 2009
DEPARTMENT OF REAL ESTATE

By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) NO. H-35727 LA
12)
13 SHERRY G. GRANVILLE-JOSEPH,) STATEMENT OF ISSUES
14)
15 Respondent.)

16 The Complainant, Robin Trujillo, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against SHERRY G. GRANVILLE-JOSEPH, aka Sherry Gail Granville,
19 Sherry Brownell ("Respondent"), is informed and alleges in her
20 official capacity as follows:

21 1.

22 On or about July 10, 2007, Respondent made application
23 to the Department of Real Estate of the State of California for
24 a real estate salesperson license with the knowledge and
25 understanding that any license issued as a result of said
26 application would be subject to the conditions of Business and
27 Professions Code Section 10153.4.

FIRST CAUSE FOR DENIAL
(CRIMINAL CONVICTIONS)

2.

On or about June 13, 1973, in the Magistrate Court of Lea District, State of New Mexico, Case No. A208099, Respondent was convicted of violating New Mexico Statutes Annotated Section 40A-16020 (shoplifting). Said crime involves moral turpitude and bears a substantial relationship to the qualifications, functions or duties of a real estate licensee pursuant to Section 2910, Title 10, Chapter 6, of the California Code of Regulations.

3.

On or about December 13, 1973, in the Fulton State Court, State of Georgia, Case No. 132763, Respondent was convicted of misdemeanor prostitution. Said crime involves moral turpitude and bears a substantial relationship to the qualifications, functions or duties of a real estate licensee pursuant to Section 2910, Title 10, Chapter 6, of the California Code of Regulations.

4.

On or about May 20, 1976, in the Municipal Court of California, Los Angeles County, Case No. 31545242, Respondent was convicted of violating Penal Code Section 647(b) (disorderly conduct: prostitution), a misdemeanor. Said crime involves moral turpitude and bears a substantial relationship to the qualifications, functions or duties of a real estate licensee pursuant to Section 2910, Title 10, Chapter 6, of the California Code of Regulations.

1 5.

2 On or about April 15, 1977, in the Municipal Court of
3 California, Los Angeles County, Case No. M135174, Respondent was
4 convicted of violating Penal Code Section 647(b) (disorderly
5 conduct: prostitution), a misdemeanor. Said crime involves
6 moral turpitude and bears a substantial relationship to the
7 qualifications, functions or duties of a real estate licensee
8 pursuant to Section 2910, Title 10, Chapter 6, of the California
9 Code of Regulations.

10 6.

11 On or about April 8, 1977, in the Municipal Court of
12 California, Los Angeles County, Case No. M135771, Respondent was
13 convicted of violating Penal Code Section 647(b) (disorderly
14 conduct: prostitution), a misdemeanor. Said crime involves
15 moral turpitude and bears a substantial relationship to the
16 qualifications, functions or duties of a real estate licensee
17 pursuant to Section 2910, Title 10, Chapter 6, of the California
18 Code of Regulations.

19 7.

20 On or about April 27, 1993, in the Municipal Court of
21 California, Los Angeles County, Case No. 93M02235, Respondent
22 was convicted of violating Penal Code Section 485 (appropriation
23 of lost property: theft), a misdemeanor. Said crime involves
24 moral turpitude and bears a substantial relationship to the
25 qualifications, functions or duties of a real estate licensee
26 pursuant to Section 2910, Title 10, Chapter 6, of the California
27 Code of Regulations.

1 8.

2 The crimes of which Respondent was convicted, as
3 alleged in Paragraphs 2 through 7 above, constitute cause for
4 denial of Respondent's application for a real estate license
5 under Business and Professions Code Sections 475(a)(2), 480(a)
6 and 10177(b).

7 IN AGGRAVATION

8 9.

9 On or about June 13, 1973, in the Magistrate Court of
10 Lea District, State of New Mexico, Case No. A208097, Respondent
11 was convicted of possession of controlled substance: less than 1
12 oz..

13 10.

14 On or about March 18, 1986, in the Superior Court of
15 California, County of Los Angeles, Case No. A031899, Respondent
16 was convicted of violating Health and Safety Code Section
17 11350(a) (possession of a controlled substance: cocaine), a
18 felony. On April 14, 2006, said conviction was expunged
19 pursuant to Penal Code Section 1203.4.

20 11.

21 On or about December 19, 1992, in the Municipal Court
22 of Bellflower Courthouse Judicial District, Los Angeles County,
23 State of California, Case No. 3M00328, Respondent was convicted
24 of violating Vehicle Code Section 14601.1(A) (driving with a
25 suspended license), a misdemeanor.

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27 ///

12.

On or about April 19, 1994, in the Municipal Court of Long Beach Courthouse Judicial District, Los Angeles County, State of California, Case No. 94M00253, Respondent was convicted of violating Vehicle Code Section 14601.1(A) (driving with a suspended license), a misdemeanor.

SECOND CAUSE FOR DENIAL
(FAILURE TO REVEAL CONVICTIONS)

13.

In response to Question 25 of the license application, to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW? CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC CITATIONS WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE", Respondent marked the box denoted "Yes", however, she failed to reveal the convictions described in Paragraphs 3, 5, 6, 7, 9, 11, and 12 above.

14.

Respondent's failure to disclose the convictions, as set forth in Paragraphs 3, 5, 6, and 7 above, in her license application, constitutes the attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a false statement of material fact required to be revealed in said application, which is grounds for denial of the issuance of a license under Business and Professions Code Sections 475(a)(1), 480(c) and 10177(a).

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1 These proceedings are brought under the provisions of
2 Section 10100, Division 4 of the Business and Professions Code
3 of the State of California and Sections 11500 through 11528 of
4 the California Government Code.

5 WHEREFORE, the Complainant prays that the above-
6 entitled matter be set for hearing and, upon proof of the
7 charges contained herein, that the Commissioner refuse to
8 authorize the issuance of, and deny the issuance of, a real
9 estate salesperson license to Respondent, SHERRY G. GRANVILLE-
10 JOSEPH, and for such other and further relief as may be proper
11 in the premises.

12 Dated at Los Angeles, California

13 this 19 day of February, 2009.

14 
15 Deputy Real Estate Commissioner
16
17
18
19
20
21
22

23 cc: Sherry G. Granville-Joseph
24 Robin Trujillo
25 Sacto.
26
27